

## REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Paradise Valley Gas Station, PDS2019-ZAP-19-003, PDS2019-ER-20-18-001

August 24, 2023

**I. HABITAT LOSS PERMIT ORDINANCE** - Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  NO  NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  NO  NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated July 24, 2023.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  NO  NOT APPLICABLE/EXEMPT

Discussion:

The project will obtain its water supply from the Otay Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

Commented [NOTE:1]: Use Project Naming Convention: <http://webtop-dctm/ueq/dri/objectId/0900f48e801c2132/format/msw8>

Commented [NOTE:2]: Case number should be in the following format: 3100 5562 (TM).

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Date

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Adopted 3/30/1994 – HLPs do not apply to projects inside MSCP.

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Not Applicable. Option A – Project is located within MSCP

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Adopted 10/1997

Commented [CS7]: For projects in the MSCP. If there is a staff biologist has been reviewing biology reports, the biologist will provide wording for this finding, as well as the MSCP Findings of Conformance.

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Is the site within an MSCP Pre-Approved Mitigation Area (PAMA), adjacent to a PAMA, or qualify as a Biological Resource Core Area (BRCA)? If the project site is within a PAMA or is a BRCA and is located within adopted boundaries of the County's MSCP, the project must be designed to meet MSCP findings.

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Adopted 11/15/1991 Previously Groundwater Policy since 1984

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Not Applicable.

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SITUATION 1. The project will not use groundwater for any use, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The <u>Steep Slope</u> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

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Discussion:

**Wetland and Wetland Buffers:**

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

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SITUATION 1. No wetlands wetland buffer areas are identified on the site. Use the following answer:

**Floodways and Floodplain Fringe:**

The project does not contain a floodway of floodplain fringe. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

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**Steep Slopes:**

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

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**1.Does the site contain RPO steep slopes?** Review to see if steep slopes which meet the RPO definition are located on the site. If yes, the applicant would need to comply with the RPO steep slope density requirements as well as the identification of steep slope areas to be placed within an open space easement. Review RPO documentation. Steep Slope Lands are those having a slope with natural gradient of 25% or greater and a minimum rise of 50 feet, unless the land has been substantially disturbed by previous legal grading.

**Sensitive Habitats:**

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

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Yes.

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SITUATION 1. No sensitive lands were identified on the subject property. Use the following answer:

**Significant Prehistoric and Historic Sites:**

The County of San Diego staff archaeologist/historian has inspected the property, analyzed records, and determined there are no archaeological/ historical sites. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO. A cultural study entitled "Negative Cultural Resources Survey Report Paradise Valley Gas Station Project, San Diego County, CA" was prepared for the project and identified no cultural resources on the parcel, was submitted in August of 2019.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  NO  NOT APPLICABLE

Discussion:

The projects Stormwater Quality Management Plan for Priority Development Projects has been found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  NO  NOT APPLICABLE

Discussion:

Staff has reviewed the Noise Report prepared by Rincon Consultants, Inc. and dated June 2020 for PDS2019-ZAP-19-003, Paradise Valley Gas Station and Mart. Staff determined that the documentation provided are considered accepted. The project is a Minor Use Permit for the construction of a gas station, convenience store, and car wash buildings on a 0.5 acre vacant lot. The main noise sources from this project are from the on-site traffic noise, mechanical units, and construction equipment. The project site as well as surrounding adjacent parcels to the east, south, and southwest are zoned Limited and General Impact Industrial (M52 & M54, respectively), which are subject to the noise levels of 70 dBA anytime. The adjacent parcels to the northwest are zoned Single-Family Residential (RS), which is subject to the arithmetic mean noise level limits of 60 dBA daytime and 57.5 dBA nighttime. The report evaluated the operational noise levels from the Heating Ventilating Air Conditioning units (HVAC) and car wash and demonstrated that the noise levels from those sources comply with the stringent noise levels of 57.5 dBA at the nearest property lines. Based on that information, the project is in compliance with the Noise Ordinance, Section 36.404 without mitigation.

In addition, the project demonstrated compliance with the County's General Plan Noise elements. The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element

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Less Than Significant Impact.

of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. The project would increase traffic by 893 ADT on to Paradise Valley Road, which results in less than significant noise level increase to that roadway, therefore, complies to the County's Noise Elements standards.

The project is also subject to the County Noise Ordinance which regulates temporary construction noise associated with the project, Sections 36.408 and 36.409. Section 36.409 of the County Noise Ordinance states that construction noise shall not exceed 75 dBA at the property line during an eight-hour period between 7 a.m. to 7 p.m. It is unlawful to operate construction equipment between 7 pm and 7 am and no work shall be done on Sundays and Holidays, per Section 36.408. The project proposes approximately 550 cubic yards of earthwork. Construction equipment associated with the grading includes a dozers, excavators, and loaders. The report evaluated the construction noise based on a conservation scenario and have demonstrated that the noise levels from these activities will not exceed an average sound level of 75 dBA for an eight-hour period. Based on the report, construction equipment would be located as close as 110 feet to the residential properties. At that distance, if the loader and dozer were to operate simultaneously, the noise levels would be 73 dBA Leq and 75 Lmax. In addition, the project will be conditioned with a "Good Practice Measures," to ensure compliance with the Noise Ordinance, Sections 36.408 and 36.409. Based on the information provided, the noise level generated from the construction activities is not anticipated to exceed the standards and therefore compliance with the Noise Ordinance, Sections 36.408 and 36.409. Pile driving or explosive blasting is not proposed for this project.

Lastly, off-site improvements are required and would occur approximately 60 feet from the single-family residences to the west. Based on the noise report, at that distance the concrete saw would generate a noise level of 81.0 dBA Leq, which exceeds the Noise Ordinance threshold. The project will incorporate NOI-1 to mitigate the noise levels from off-site conceptual median construction to compliance with the San Diego County the 75 dBA Leq (8-hour) noise threshold, this will be made a condition of approval. Measures to comply with this threshold may include reducing the usage for an equipment and or incorporating a noise barrier. Based on this information, the project would comply with the Noise Ordinance. If new information is provided to prove and certify that the equipment being used is different then what was proposed in the noise report, then a new construction noise analysis maybe reviewed to the satisfaction of the The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier maybe approved if the construction activities will not create noise greater that 75 dB at the property line as indicated above.